

STATE OF NEW MEXICO
DEPARTMENT OF PUBLIC SAFETY
LAW ENFORCEMENT RECORDS BUREAU



MISSING PERSONS
REFERENCE MANUAL

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Missing Persons
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ARTICLE 15
MISSING PERSONS INFORMATION AND REPORTING ACT

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9-15-1. Short title .

Chapter 29, Article 15 NMSA 1978 may be cited as the "Missing Persons Information and Reporting Act".

(History: Laws 1995, ch. 146, 1; 2010, ch. 32, 1; 2010, ch. 33, 2.)

29-15-2. Definitions .

As used in the Missing Persons Information and Reporting Act:

- A. "child" means an individual under the age of eighteen years who is not emancipated;
- B. "clearinghouse" means the missing persons information clearinghouse;
- C. "custodian" means a parent, guardian or other person who exercises legal physical control, care or custody of a child;
- D. "endangered person" means a missing person who:
 - (1) is in imminent danger of causing harm to the person's self;
 - (2) is in imminent danger of causing harm to another;
 - (3) is in imminent danger of being harmed by another or who has been harmed by another;or
- (4) has Alzheimer's disease or another degenerative brain disorder; ^{*1*}
- E. "immediate family member" means the spouse or nearest relative of a person;
- F. "law enforcement agency" means a law enforcement agency of the state, a state agency or a political subdivision of the state;
- G. "lead station" means an AM radio station that has been designated as the "state primary station" by the federal communications commission for the emergency alert system;
- H. "missing person" means a person whose whereabouts are unknown to the person's custodian or immediate family member and the circumstances of whose absence indicate that:
 - (1) the person did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law; or
 - (2) the person voluntarily left the care and control of the custodian without the custodian's consent and without intent to return;
- I. "missing person report" means information that is:
 - (1) given to a law enforcement agency on a form used for sending information to the national crime information center; and

¹ Senate Bill 167 passed during the 2010 Regular Session and is law, however, it failed to be compiled into current publications of law. SB167 amended the definition of "endangered person" to include:

- "...has been a victim of a crime as provided in the Crimes Against Household Members Act or in Section 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any other jurisdiction..."
- "...is or was protected by an order of protection pursuant to the Family Violence Protection Act..."

(2) about a person whose whereabouts are unknown to the reporter and who is alleged in the form submitted by the reporter to be missing;

J. "person" means an individual, regardless of age;

K. "possible match" means the similarities between unidentified human remains and a missing person that would lead one to believe they are the same person;

L. "reporter" means the person who reports a missing person;

M. "state agency" means an agency of the state, a political subdivision of the state or a public post-secondary educational institution; and

N. "state registrar" means the employee so designated by the public health division of the department of health pursuant to the Vital Statistics Act.

(History: Laws 1995, ch. 146, 2; 2007, ch. 119, 1; 2010, ch. 32, 2; 2010, ch. 33, 3.)

29-15-3. Missing persons information clearinghouse; function .

A. The "missing persons information clearinghouse" is established in the department of public safety. The department of public safety shall provide for the administration of the clearinghouse. The department of public safety may adopt rules to carry out the provisions of the Missing Persons Information and Reporting Act in the manner prescribed in Subsection E of Section 9-1-5 NMSA 1978.

B. The clearinghouse is a central repository of information on missing persons and shall be used by all law enforcement agencies, including tribal agencies, in this state.

C. The clearinghouse shall:

(1) establish a system of intrastate communication of information relating to missing persons;

(2) provide a centralized file for the exchange of information on missing persons and unidentified human remains within the state;

(3) communicate with the national crime information center for the exchange of information on missing persons suspected of interstate travel;

(4) collect, process, maintain and disseminate accurate and complete information on missing persons;

(5) provide a statewide toll-free telephone line for the reporting of missing persons and for receiving information on missing persons;

(6) disseminate to custodians, law enforcement agencies, the public education department, the children, youth and families department and the general public information that explains how to prevent child abduction and what to do if a child becomes missing;

(7) compile statistics relating to the incidence of missing persons within the state;

(8) provide training and technical assistance to law enforcement agencies and social services agencies pertaining to missing persons; and

(9) establish a media protocol for disseminating information pertaining to missing persons.

D. The clearinghouse shall print and distribute posters, flyers and other forms of information containing descriptions of missing persons.

E. The department of public safety may accept public or private grants, gifts and donations to assist the department in carrying out the provisions of the Missing Persons Information and Reporting Act.

(History: Laws 1995, ch. 146, 3; 2010, ch. 33, 4.)

29-15-3.1. Endangered person advisory .

A. The department of public safety shall issue an endangered person advisory if, after review and investigation of a missing person report of an endangered person, the department makes an independent determination that the missing person is an endangered person.

B. The department shall develop and implement endangered person advisory procedures for the purpose of disseminating, as rapidly as possible, information about an endangered person. The procedures shall include:

(1) notification to the lead station of the endangered person advisory;

(2) notification to other public and private media sources and members of the public as necessary; and

(3) providing information about the endangered person, including all identifying information, to the lead station and other media sources.

(History: Laws 2007, ch. 119, 3.)

29-15-4. State department of public education [Public education department]; cooperation with clearinghouse .

The state department of public education [public education department] shall cooperate with the clearinghouse in seeking to locate missing children who may be enrolled in New Mexico school systems, including private schools, and for the reporting of children who may be missing or who may be unlawfully removed from schools.

(History: Laws 1995, ch. 146, 4.)

29-15-5. Custodian or immediate family member request for information .

A. Upon written or oral request to a law enforcement agency by a custodian or immediate family member of a missing person, the law enforcement agency shall immediately request from the clearinghouse information concerning the missing person that may aid the custodian or immediate family member in the identification or location of the missing person.

B. A law enforcement agency to which a request has been made pursuant to Subsection A of this section shall report to the custodian or immediate family member on the results of its inquiry to the clearinghouse within seven calendar days after the day the request is received by

the law enforcement agency, or as soon as the results of its inquiry become available, whichever occurs last.

(History: Laws 1995, ch. 146, 5; 2010, ch. 33, 5.)

29-15-6. Missing person report forms .

A. The clearinghouse shall distribute missing person report forms to law enforcement agencies in the state.

B. A missing person report may be made to a law enforcement agency in person, or by telephone, electronic media or other indirect method of communication and the person taking the report may enter the information on the form for the reporter. A missing person report form may be completed by the reporter and delivered to a law enforcement officer.

C. A copy of the missing person report form shall be filed with the clearinghouse.

D. A missing person report form shall include, to the extent available, the following information:

(1) the missing person's:

(a) name, including any alternative names used;

(b) date of birth;

(c) identifying marks, including birthmarks, moles, tattoos and scars;

(d) height and weight;

(e) gender;

(f) race;

(g) current hair color and true or natural hair color;

(h) eye color;

(i) prosthetics, surgical implants or cosmetic implants;

(j) physical anomalies;

(k) blood type;

(l) driver's license number; and

(m) social security number;

(2) a photograph of the missing person, with a recent photograph being preferable;

(3) a description of the clothing the missing person was believed to be wearing;

(4) a description of items that might be with the missing person, such as jewelry and accessories;

(5) information on the missing person's electronic communications devices, including cell phone numbers and email addresses;

(6) reasons why the reporting person believes that the person is missing;

(7) the name and location of the missing person's school or employer;

(8) the name and location of the missing person's dentist or primary care physician;

(9) any circumstances that may indicate that the disappearance of the missing person was not voluntary;

(10) any circumstances that indicate that the missing person may be at risk of injury or death;

(11) a description of the possible means of transportation of the missing person, including make, model, color, license and vehicle identification number of a vehicle;

(12) any identifying information about a known or possible abductor of the missing person or the person last seen with the missing person;

(13) any other information that can aid in locating the missing person; and

(14) the date of last contact with the missing person.

(History: Laws 1995, ch. 146, 6; 2010, ch. 33, 6.)

29-15-7. Law enforcement requirements; missing person reports; unidentified human remains .

A. A law enforcement agency shall accept without delay and without exception for any reason any report of a missing person and, no later than two hours after receiving a missing person report or additional or supplemental information for the report, shall:

(1) start an appropriate investigation to determine the present location of the missing person and to determine whether the missing person is an endangered person;

(2) provide to the clearinghouse all information the law enforcement agency has relating to an investigation regarding or the location or identification of a missing person;

(3) enter the name of the missing person into the clearinghouse and the national crime information center missing person file; and

(4) if the missing person is determined to be an endangered person, notify the department of public safety in accordance with procedures prescribed by the department.

B. Information not immediately available shall be obtained as soon as possible by the law enforcement agency and, no later than two hours after receipt of the information, entered into the clearinghouse and the national crime information center file as a supplement to the original entry.

C. All New Mexico law enforcement agencies are required to enter information about all unidentified human remains found in their jurisdiction into the clearinghouse and the national crime information center unidentified person file, including all available identifying features of the human remains and a description of the clothing found on the human remains. If an information entry into the national crime information center file results in an automatic entry of the information into the clearinghouse, the law enforcement agency is not required to make a direct entry of that information into the clearinghouse.

(History: Laws 1995, ch. 146, 7; 2007, ch. 119, 2; 2010, ch. 32, 3; 2010, ch. 33, 7.)

29-15-7.1. Missing child reports; law enforcement agencies; duties; registrar .

A. Upon receiving a report of a child believed to be missing, a law enforcement agency shall:

(1) no later than two hours after receiving the report, enter identifying and descriptive information about the child into the national crime information center computer. Law enforcement agencies having direct access to the national crime information center computer shall enter and retrieve the data directly and shall cooperate in the entry and retrieval of data on behalf of law enforcement agencies that do not have direct access to the system; and

(2) notify the state registrar within twenty-four hours, by telephone, facsimile or electronic transmission, of the missing child. Within three days of this initial notification, the law enforcement agency shall make a written notification in a manner and form prescribed by the state registrar. Both notifications shall include the missing child's name, date of birth and county and state of birth; the mother's maiden name; the name of the noncustodial parent if the parents are not married; the name and telephone number of a contact person at the reporting law enforcement agency; and any other information required by the state registrar.

B. Immediately after a missing child is located, the law enforcement agency that located or returned the missing child shall notify the law enforcement agency having jurisdiction over the investigation, and the originating agency shall clear the entry from the national crime information center computer and shall, within twenty-four hours, notify the state registrar in writing that the missing child has been located.

(History: 1978 Comp., 29-15-7.1, enacted by Laws 2010, ch. 33, 8.)

29-15-7.2. Birth records of missing children; state registrar's duties .

A. Upon notification by a law enforcement agency that a child born in the state is missing, the state registrar shall flag the child's birth record in such a manner that whenever a copy of the birth certificate or information concerning the birth record is requested, the state registrar shall be alerted to the fact that the certificate is that of a missing child.

B. Upon notification by a law enforcement agency that a child born outside the state is missing, the state registrar shall notify the corresponding officer in the state where the child was born that the child has been reported missing.

C. In response to any inquiry, the state registrar or any local registrar appointed by the state registrar or any employee of the vital statistics bureau of the health services division of the department of health shall not provide a copy of a birth certificate or information concerning the birth record of any missing child whose birth record is flagged pursuant to this section, except following notification of the law enforcement agency having jurisdiction over the investigation of the missing child. Such inquiries shall be handled in the following manner:

(1) when a copy of the birth certificate of a missing child whose record has been flagged is requested in person, the local registrar or employee accepting the request shall immediately notify that person's supervisor or the state registrar. If possible, the person making the request

shall complete a form supplying the requester's name, address, telephone number and relationship to the missing child and the name, address and birth date of the missing child. The driver's license of the requester, if available, shall be photocopied and returned. The requester shall be informed that a copy of the birth certificate will be mailed to the requester. The local registrar or employee shall note the physical description of the requester, and, upon that requester's departure from the vital statistics bureau office, the supervisor or state registrar shall immediately notify the law enforcement agency having jurisdiction of the request and the information obtained pursuant to this paragraph. The state registrar will retain the form completed by the person making the request; and

(2) when a copy of the birth certificate of a missing child whose birth record has been flagged is requested in writing, the state registrar shall immediately notify the law enforcement agency having jurisdiction of the request and shall provide a copy of the written request. The state registrar shall retain the original written request.

D. Upon notification by a law enforcement agency that a missing child has been recovered, the state registrar shall remove the flag from the child's birth record.
(History: 1978 Comp., 29-15-7.2, enacted by Laws 2010, ch. 33, 9.)

29-15-8. Release of dental records; immunity .

A. At the time a missing person report is made, the law enforcement agency to which the missing person report is given shall provide a dental record release form conforming to the requirements of the federal Health Insurance Portability and Accountability Act of 1996 [42 USCS 300gg et seq.] to the custodian or immediate family member of the missing person, provided that the custodian or immediate family member is authorized pursuant to that federal act to execute a release on behalf of the missing person. The law enforcement agency shall endorse the dental record release form with a notation that a missing person report has been made in compliance with the provisions of the Missing Persons Information and Reporting Act. When the dental record release form is properly completed by the custodian or immediate family member of the missing person and contains the endorsement, the form is sufficient to permit a dentist or physician in this state to release dental records relating to the missing person to the law enforcement agency.

B. If a release form cannot be executed, the law enforcement agency shall seek disclosure of the dental records of a missing person directly from the records custodian pursuant to the provisions of the federal Health Insurance Portability and Accountability Act of 1996 [42 USCS 300gg et seq.] that allow disclosure of health information for law enforcement purposes.

C. The law enforcement agency shall send the dental records to the clearinghouse.

D. A dentist or physician who releases dental records pursuant to this section is immune from civil liability or criminal prosecution for the release of the dental records.
(History: Laws 1995, ch. 146, 8; 2010, ch. 33, 10.)

29-15-9. Cross-checking and matching .

A. The clearinghouse shall cross-check and attempt to match unidentified human remains with descriptions of missing persons. When the clearinghouse discovers a possible match between unidentified human remains and a missing person description, the clearinghouse shall notify the appropriate law enforcement agencies.

B. Law enforcement agencies that receive notice of a possible match shall make arrangements for positive identification. If a positive identification is made, the law enforcement agency shall complete and close the investigation with written notification to the clearinghouse.

C. Law enforcement agencies that receive notice of a possible match between human remains and a missing person description shall notify the office of the state medical investigator.

(History: Laws 1995, ch. 146, 9; 2010, ch. 33, 11.)

29-15-10. Interagency cooperation.

A. State agencies and public and private schools shall cooperate with a law enforcement agency that is investigating a missing person report and shall furnish any information that will assist the law enforcement agency in completing the investigation.

B. Information provided by a state agency or a public or private school shall not be released to any person outside the law enforcement agency or the clearinghouse, except as provided by rule of the department of public safety.

(History: Laws 1995, ch. 146, 10; 2010, ch. 33, 12.)

29-15-11. Confidentiality of records.

A. The department of public safety shall by rule provide for the classification of information and records as confidential that:

(1) are otherwise confidential under state or federal law or rules adopted pursuant to state or federal law;

(2) are related to the investigation by a law enforcement agency of a missing person or unidentified human remains, if the department of public safety, in consultation with the law enforcement agency, determines that release of the information would be deleterious to the investigation;

(3) are records or notations that the clearinghouse maintains for internal use in matters relating to missing persons and unidentified human remains and the department of public safety determines that release of the internal documents might interfere with an investigation by a law enforcement agency in New Mexico or any other jurisdiction; or

(4) the department of public safety determines might interfere with an investigation or otherwise harm a person, custodian or reporter.

B. The rule may provide for the sharing of confidential information with the custodian or immediate family member of the missing person.

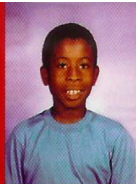
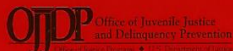
(History: Laws 1995, ch. 146, 11; 2010, ch. 33, 13.)

29-15-12. Attorney general to require compliance; removal or discipline .

A. The attorney general shall enforce state agency compliance with the provisions of the Missing Persons Information and Reporting Act as appropriate to assure the immediate response to a report of a missing person.

(History: Laws 1995, ch. 146, 12; 2010, ch. 33, 14.)

Investigative Checklist for First Responders



If you've seen
Dorian Thomas,
call 1-800-THE-LOST
(1-800-843-5678).

On left, picture of Dorian, age 9,
at time of disappearance in 1998.
On right, photograph of Dorian
progressed to possible likeness
at age 11 by the National Center
for Missing & Exploited Children.

This checklist is meant to provide a framework of actions, considerations, and activities that can assist in performing competent, productive, and successful missing/abducted-children investigations.

First Responder

- ☐ Interview parent(s)/person who made initial report.
- ☐ Verify that the child is in fact missing.
- ☐ Verify child's custody status.
- ☐ Identify the circumstances of the disappearance.
- ☐ Determine when, where, and by whom the missing child was last seen.
- ☐ Interview the individuals who last had contact with the child.
- ☐ Identify the child's zone of safety for his or her age and developmental stage.
- ☐ Based on the available information, make an **initial** determination of the type of incident whether nonfamily abduction; family abduction; endangered runaway; or lost, injured, or otherwise missing.
- ☐ Obtain a **detailed** description of the missing child, abductor, and any vehicles used.
- ☐ Relay detailed descriptive information to communications unit for broadcast updates.
- ☐ Request additional personnel if circumstances require.
- ☐ Request investigative assistance if necessary.
- ☐ Request supervisory assistance if necessary.
- ☐ Brief and bring up-to-date all additional responding personnel including supervisors and investigative staff.
- ☐ Ensure that everyone at the scene is identified and interviewed separately. Make sure that their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present.
 - ☐ Note name, address, home/business telephone numbers of each person.
 - ☐ Determine each person's relationship to the missing child.
 - ☐ Note information that each person may have about the child's disappearance.
 - ☐ Determine when/where each person last saw the child.
 - ☐ Ask each one, "What do you think happened to the child?"
 - ☐ Obtain names/addresses/telephone numbers of child's friends/associates and other relatives and friends of the family.
- ☐ Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.
- ☐ Obtain and note permission to search home or building where incident took place.
- ☐ Conduct an immediate, thorough search of the missing child's home, even if the child was reported missing from a different location.
- ☐ Conduct search to include all surrounding areas including vehicles and other places of concealment.
- ☐ Treat the area as a crime scene.
- ☐ Seal/protect scene and area of the child's home (including child's personal articles such as hairbrush, diary, photographs, and items with the child's fingerprints/footprints/teeth impressions) so that evidence is not destroyed during or after the initial search and to help ensure that items which could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. If possible, photograph/videotape these areas.
- ☐ Evaluate contents and appearance of the child's room/residence.
- ☐ Obtain photographs/videotapes of missing child/abductor.
- ☐ Prepare reports/make all required notifications.
- ☐ Ensure that information regarding missing child is entered into the National Crime Information Center's (NCIC) Missing Person File and that any information on a suspected abductor is entered into the NCIC Wanted Person

File. (Carefully review NCIC categories before entering the case, and be sure to utilize the Child Abduction flag whenever possible.)

- ☐ Interview other family members, friends/associates of the child, and friends of the family to determine
 - ☐ When each last saw the child.
 - ☐ What they think happened to the child.
- ☐ Ensure that details of the case have been reported to NCMEC.
- ☐ Prepare and update bulletins for local law-enforcement agencies, state missing children's clearinghouse, Federal Bureau of Investigation (FBI), and other appropriate agencies.
- ☐ Prepare a flier/bulletin with the child/abductor's photograph and descriptive information. Distribute in appropriate geographic regions.
- ☐ Secure the child's latest medical and dental records.
- ☐ Establish a telephone hotline for receipt of tips and leads.
- ☐ Establish a leads management system to prioritize leads and help ensure that each one is reviewed and followed up on.

Investigative Officer

- ☐ Obtain briefing from first responding officer and other on-scene personnel.
- ☐ Verify the accuracy of all descriptive information and other details developed during the preliminary investigation.
- ☐ Obtain a brief, recent history of family dynamics.
- ☐ Correct and investigate the reasons for conflicting information offered by witnesses and other individuals.
- ☐ Review and evaluate all available information and evidence collected.
- ☐ Develop an investigational plan for follow-up.
- ☐ Determine what additional resources and specialized services are required.
- ☐ Execute investigative follow-up plan.

Supervisory Responsibility

- ☐ Obtain briefing and written reports from first responding officer, investigators, and other agency personnel at the scene.
- ☐ Determine if additional personnel are needed to assist in the investigation.
- ☐ Determine if outside help is necessary from
 - ☐ State Police.
 - ☐ State Missing Children's Clearinghouse.
 - ☐ FBI.
 - ☐ Specialized Units.
 - ☐ Victim-Witness Services.
 - ☐ NCMEC's Project ALERT.
- ☐ Ensure that all the required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested and expedite their availability.
- ☐ Establish a command post away from the child's residence.
- ☐ Ensure coordination/cooperation among all law-enforcement personnel involved in the investigation and search effort.
- ☐ Ensure that all required notifications are made.
- ☐ Ensure that all agency policies and procedures are in compliance.
- ☐ Conduct a criminal-history check on all principal suspects and participants in the investigation.
- ☐ Be available to make any decisions or determinations as they develop.
- ☐ Utilize media (including radio, television, and newspapers) to assist in the search for the missing child and maintain media relations, per established protocols, throughout the duration of the case.

This "pocket guide" is to be used as a supplement to *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management* and is adapted for those law-enforcement officers who initially respond to the report of a missing child. To order this book, which contains additional investigative checklists and materials or request technical assistance on specific cases, please call the National Center for Missing & Exploited Children® (NCMEC) at 1-800-THE-LOST (1-800-843-5678). This investigative checklist was adapted from *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*. Copyright © 1994, 1997, and 2000 by the National Center for Missing & Exploited Children. All rights reserved. National Center for Missing & Exploited Children® is a registered service mark of the National Center for Missing & Exploited Children. The National Center for Missing & Exploited Children, a national clearinghouse and resource center, is funded under Cooperative Agreement #98-MC-CX-K002 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this publication are those of the National Center for Missing & Exploited Children and do not necessarily represent the official position or policies of the U.S. Department of Justice. Copyright © 2000 NCMEC. All rights reserved.

Suzanne's Law

Suzanne's Law

Investigation of Missing Persons

"Suzanne's Law" amends Section 3701 (a) of the Crime Control Act of 1990 so that there is no waiting period before a law enforcement agency initiates an investigation of a missing person under the age of twenty one and reports the missing person to the National Crime Information Center of the Department of Justice.

"Suzanne's Law" is named after Suzane Lyall a student at State University of New York at Albany, who has been missing since 1998. Previously, police were only mandated to report missing persons under the age of eighteen. This law was signed by President Bush as part of the national Amber Alert bill on April 30, 2003, requires police to initiate prompt investigation into missing young people.

ARTICLE 15A AMBER ALERT

Section

29-15A-1. Short title.

29-15A-2. Definitions.

29-15A-3. State police; AMBER alert notification plan; declaration of AMBER alert.

29-15A-4. AMBER alert; initiation by other law enforcement agencies.

29-15A-5. Submission of false information; penalty.

29-15A-1. Short title .

This act [29-15A-1 to 29-15A-5] may be cited as the "AMBER Alert Law".
(History: Laws 2003, ch. 93, 1.)

29-15A-2. Definitions .

As used in the AMBER Alert Law [29-15A-1 NMSA 1978]:

A. "AMBER alert" means a declaration by the authorized requester that an abduction has occurred and that notifications and broadcasts should be made pursuant to the AMBER alert notification plan;

B. "authorized requester" means the person designated by the chief of the state police to implement the AMBER alert notification plan;

C. "chief of the state police" means the director of the New Mexico state police division of the department of public safety;

D. "lead station" means an AM radio station that has been designated as the "state primary station" by the federal communications commission for the emergency alert system; and

E. "state police" means the New Mexico state police division of the department of public safety.

(History: Laws 2003, ch. 93, 2.)

29-15A-3. State police; AMBER alert notification plan; declaration of AMBER alert .

A. The state police shall develop and implement an AMBER alert notification plan for the purpose of disseminating, as rapidly as possible, information about a child abduction so that law enforcement agencies and citizens throughout the state may be aware and vigilant. The plan shall:

(1) provide a procedure for notifying the lead station by the authorized requester that an AMBER alert has been declared. The procedure shall include codes for use by the authorized requester in communicating with the lead station to prevent false alerts;

(2) provide a procedure in which other state and private print, radio, television or other media may alert the members of the public of the abduction;

(3) include a procedure for notifying the department of information technology that an AMBER alert has been declared. The department of information technology shall immediately transmit the notification and related information to all state field operations employees so that they may be aware and vigilant in the course of their regular activities;

(4) include a procedure for notifying a representative of each cellular service company and paging service company operating in New Mexico so that a text message may be sent to the company's customers at no additional expense to the recipient or to any service that accepts the information from the authorized requester and delivers it to the cellular service or paging service company;

(5) include a procedure for notifying all local and federal law enforcement agencies that an AMBER alert has been declared; and

(6) provide for dissemination of information about a child or a child's abductor to the lead station, the department of information technology and local law enforcement agencies when an AMBER alert has been declared.

B. The state police shall distribute the AMBER alert notification plan to all local law enforcement agencies and provide such training and other assistance as is necessary to ensure that the plan can be properly implemented.

C. The authorized requester may declare an AMBER alert when the requester has reason to believe that:

(1) a child under the age of eighteen has been abducted by an unrelated person;

(2) the child is in imminent danger of serious bodily harm or death; and

(3) there is specific information available about the child or the child's abductor that may assist in an expedient and successful end to the abduction.

D. Once an AMBER alert has been declared, only the authorized requester may terminate the AMBER alert.

(History: Laws 2003, ch. 93, 3; 2005, ch. 142, 1; 2007, ch. 290, 24.)

29-15A-4. AMBER alert; initiation by other law enforcement agencies .

A. The procedures for initiating an AMBER alert pursuant to the AMBER Alert Law [29-15A-1 NMSA 1978] are available to all law enforcement agencies in New Mexico; provided that nothing in that law prohibits a local law enforcement agency from developing and implementing its own similar notification plan; provided further that nothing in that act supercedes a provision or procedure in such a local notification plan.

B. If a law enforcement agency that has not developed and implemented its own similar plan desires that an AMBER alert be declared, it shall notify the authorized requester. The

authorized requester shall declare an AMBER alert if, after evaluating the information, the authorized requester believes that the criteria for declaring an alert has been satisfied.

C. If an AMBER alert is initiated and there is information that the child's abductor may be traveling or has traveled across state lines, the authorized requester shall notify the other states or the Republic of Mexico in order for those governments to issue an alert. The state police shall work with all bordering states and the Republic of Mexico in order to establish agreements to carry out regional alerts.

(History: Laws 2003, ch. 93, 4.)

29-15A-5. Submission of false information; penalty .

A person who knowingly submits false information to a law enforcement agency regarding a child abduction is guilty of a petty misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978.

(History: Laws 2003, ch. 93, 5.)

**New Mexico Department of Public Safety
Missing Persons Clearinghouse Report Form**

MPCH Number: _____

Case Agency: _____ Date: _____

Date: _____ Time: _____ Call Taken By: _____

Caller's Name: _____
Last First Middle

Relationship To Missing: _____

Callers Address: _____
Number Street Apartment Number

City State Zip Code

Home Phone: _____ Work Phone: _____

Missing Category: _____ Non Family Abduction _____ Parental Abduction _____ Runaway
_____ Adult (18yrs or over) _____ Other - Explain: _____

NCIC Criteria: _____ Disability _____ Endangered _____ Involuntary _____ Juvenile
_____ Catastrophe Victim _____ Caution Code

Missing Persons Name: _____
Last First Middle

Date Missing: _____ Time: _____ AM / PM Race: _____ Sex: _____ M _____ F

Place of Birth: _____ Age: _____ Date of Birth: _____ HGT: _____ WGT: _____

Eye Color: _____ Hair Color: _____ Skin: _____ Scars/Marks/Tattoos: _____

Social Security Number: _____ OLN #: _____ OL State: _____ OL Year: _____

Blood Type: _____ Fingerprints Available (where): _____

Distinguishing Features/Unique Characteristics (limp,jewelry,glasses.etc...): _____

Dental Records Available? _____ Yes _____ No Medical Records Available? _____ Yes _____ No

Mental State (depressed,suicidal,etc...): _____

Location Last Seen (include city,state): _____

Veh Yr: _____ Make: _____ Model: _____ Color: _____ Lic # & State: _____

Abductors/Companions Name: :

Last

First

Middle

Aliases:

Sex: M F Relationship: _____ Date of Birth: _____

Hair Color: _____ Dyed: _____ Yes _____ No _____ Length: _____ Style: _____

Eye Color: _____ Glasses/Contacts: _____ Yes _____ No _____ Hgt: _____ Wgt: _____ Race: _____

Blood Type: _____ Right/Left Handed: _____ Fingerprints Available (where): _____

Height: _____ Weight: _____ Build: _____ Race: _____ Blood Type: _____

Social Security Number: _____ Distinguishing Features: _____

Additional Information:

Forward a copy of this report to the:

**Attn: Andrea Trujillo
Department of Public Safety
Missing Person's Information Clearinghouse
Law Enforcement Records Bureau
P.O. Box 1628
Santa Fe, New Mexico 87504-1628**

**1-800-HLP-FIND (457-3463) and/or 505-827-9026
Fax # 505-827-3399**

MISSING CHILD NOTIFICATION
BIRTH CERTIFICATE FLAG REQUEST FORM
New Mexico Vital Records and Health Statistics
FAX (505) 827-1751

New Mexico Vital Records and Health Statistics
Post Office Box 26110
Santa Fe, NM 87502

Dear State Registrar:

This report is being sent to you in accordance with the New Mexico Missing Child Reporting Act, [Section 32A-14-2 NMSA 1978]. The act states that a law enforcement agency shall notify the State Registrar, **within 24-hours (by FAX)** of a reported missing child.

Upon Receipt of this notice, the State Registrar shall flag the missing child's birth certificate if the child was born in the State of New Mexico.

In accordance with statute, the **complete** missing child's birth information is provided:

| | | | |
|--|----------------|-----------------|------------------|
| Name of Child: | First | Middle | Last Name |
| Child's Date of Birth: | Month/Day/Year | Place of Birth: | City, County, |
| Birth Name of Mother: | First | Middle | Maiden Last Name |
| Name of Father or Non-Custodial Parent: | First | Middle | Last Name |

NOTE: (If mother is unmarried, also provide the name of the Non-Custodial parent):

REPORTING LAW ENFORCEMENT AGENCY:

Date of Notice: _____ Case Number: _____
Law Enforcement Agency: _____
Mailing Address: _____
Contact Person and Title: _____
Telephone Number: _____

| For New Mexico Vital Records and Health Statistics Use Only | |
|---|--------------------|
| Date Flagged: _____ | File Number: _____ |

LOCATED MISSING CHILD NOTIFICATION
BIRTH CERTIFICATE FLAG CANCELTION REQUEST FORM
New Mexico Vital Records and Health Statistics
FAX (505) 827-1751

New Mexico Vital Records and Health Statistics
Post Office Box 26110
Santa Fe, NM 87502

Dear State Registrar:

This report is being sent to you in accordance with the New Mexico Missing Child Reporting Act, [Section 32A-14-2 NMSA 1978]. The act states that a law enforcement agency shall notify the State Registrar, **within 24-hours (by FAX)** when a missing child has been located.

Upon Receipt of this notice, the State Registrar shall un-flag the missing child's birth certificate if the child was born in the State of New Mexico.

In accordance with statute, the **complete** missing child's birth information is provided:

| | | | |
|--|-----------------------|------------------------|----------------------------|
| Name of Child: | <i>First</i> | <i>Middle</i> | <i>Last Name</i> |
| Child's Date of Birth: | <i>Month/Day/Year</i> | Place of Birth: | <i>City, County, State</i> |
| Birth Name of Mother: | <i>First</i> | <i>Middle</i> | <i>Maiden Last Name</i> |
| Name of Father or Non-Custodial Parent: | <i>First</i> | <i>Middle</i> | <i>Last Name</i> |

NOTE: (If mother is unmarried, also provide the name of the Non-Custodial parent):

REPORTING LAW ENFORCEMENT AGENCY:

| | |
|---------------------------------|--------------------|
| Date of Notice: _____ | Case Number: _____ |
| Law Enforcement Agency: _____ | |
| Mailing Address: _____ | |
| Contact Person and Title: _____ | |
| Telephone Number: _____ | |

| For New Mexico Vital Records and Health Statistics Use Only | |
|---|--------------------|
| Date Flagged: _____ | File Number: _____ |

**New Mexico Department of Public Safety
Endangered Person Advisory Report Form**

MPCH Number: _____

Case Agency: _____ Date: _____

Date: _____ Time: _____ Call Taken By: _____

Caller's Name: _____
Last First Middle

Relationship to Missing: _____

Callers Address: _____
Street Apartment Number

City State Zip Code

Home Phone: _____ Work Phone: _____

Missing Category: _____ Non Family Abduction _____ Parental Abduction _____ Runaway
_____ Adult (18yrs or over) _____ Other - Explain: _____

NCIC Criteria: _____ Disability _____ Endangered _____ Involuntary _____ Juvenile
_____ Catastrophe Victim _____ Caution Code

Missing Persons Name: _____
Last First Middle

Date Missing: _____ Time: _____ AM / PM Race: _____ Sex: _____ M _____ F

Place of Birth: _____ Age: _____ Date of Birth: _____ HGT: _____ WGT: _____

Eye Color: _____ Hair Color: _____ Skin: _____ Scars/Marks/Tattoos: _____

Social Security Number: _____ OLN #: _____ OL State: _____ OL Year: _____

Blood Type: _____ Fingerprints Available (where): _____

Distinguishing Features/Unique Characteristics (limp, jewelry, glasses, etc.): _____

Dental Records Available? _____ Yes _____ No Medical Records Available? _____ Yes _____ No

Mental State (depressed, suicidal, etc.): _____

Location Last Seen (include city, state): _____

Possible Destination (city, state): _____

Last Seen Wearing: _____

Hobbies & Interests: _____

Veh Yr: _____ Make: _____ Model: _____ Color: _____ Lic # & State: _____

Abductors/Companions Name: :

Last

First

Middle

Aliases:

Sex: M F Relationship: _____ Date of Birth: _____

Hair Color: _____ Dyed: Yes No Length: _____ Style: _____

Eye Color: _____ Glasses/Contacts: Yes No Hgt: _____ Wgt: _____ Race: _____

Blood Type: _____ Right/Left Handed: _____ Fingerprints Available (where): _____

Height: _____ Weight: _____ Build: _____ Race: _____ Blood Type: _____

Social Security Number: _____ Distinguishing Features: _____

Additional Information:

3. Forward a copy of this report to the: **Attn: Regina Chacon, Asst. Bureau Chief**
(505) 795-2793
Peter Olson, Communications Director/DPS
(505) 469-5320
Lt. Eric Garcia, New Mexico State Police
(505) 231-4968

Department of Public Safety
Missing Person's Information Clearinghouse
Law Enforcement Records Bureau
P.O. Box 1628
Santa Fe, New Mexico 87504-1628

1-800-HLP-FIND (457-3463) and/or 505-827-9293
Fax # 505-827-3399

ADDITIONAL RESOURCE(S)

- Identifying Victims Using DNA – A Guide for Families
 - <http://www.ncjrs.gov/pdffiles1/nij/209493.pdf>
 - http://www.ncjrs.gov/pdffiles1/nij/209493_spanish.pdf
(SPANISH Version)
 - NM FBI Point of Contact for DNA Initiative:
 - SA Diana Parker
Federal Bureau of Investigation
4200 Luecking Park Ave. NE
Albuquerque, NM 87107
Diana.Parker@ic.fbi.gov
505-889-1542
- National Center for Missing and Exploited Children
 - www.missingkids.com
- NM Department of Public Safety Missing Persons Clearinghouse
 - www.dps.nm.org
- National Center for Missing Adults
 - www.theyaremissd.org
- NaMUS – National Missing and Unidentified Persons System
 - <http://www.namus.gov/index.htm>
- AMBER Alert Website and Information (National)
- <http://www.amberalert.gov/>